

South Australia



DOG FENCE (SPECIAL RATE, ETC) AMENDMENT ACT 1995

No. 99 of 1995

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of s. 6—Members of board
4. Amendment of s. 26—Special rate in respect of local board areas
5. Insertion of s. 41A
 - 41A. Registration of charges on land



ANNO QUADRAGESIMO QUARTO
ELIZABETHAE II REGINAE
A.D. 1995

No. 99 of 1995

An Act to amend the Dog Fence Act 1946.

[Assented to 14 December 1995]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Dog Fence (Special Rate, etc) Amendment Act 1995*.

(2) The *Dog Fence Act 1946* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 6—Members of board

3. Section 6 of the principal Act is amended—

(a) by striking out from subsection (1)(a) "(who will chair the meetings of the board)";

(b) by inserting after subsection (1) the following subsection:

(1a) The Minister will appoint from amongst the members of the board a person to chair the meetings of the board.

Amendment of s. 26—Special rate in respect of local board areas

4. Section 26 of the principal Act is amended by inserting in subsection (2) ", unless the Minister and each occupier of land on which the special rate is declared agree otherwise," after "The special rate must".

Insertion of s. 41A

5. The following section is inserted after section 41 of the principal Act:

Registration of charges on land

41A. (1) Where there is, under section 41, a charge on land in favour of the board, the board may deliver to the Registrar-General notice, in a form determined by the Registrar-General, setting out the amount of the charge and the land subject to the charge.

(2) On receipt of a notice under subsection (1), the Registrar-General must, in relation to any land referred to in the notice, enter a note of the charge against the relevant instrument of title or, in the case of land not under the provisions of the *Real Property Act 1886*, against the land.

(3) Where a note of a charge is entered under this section and default is made (whether before or after the making of that entry) in the payment of an amount to which the charge relates, the board has the same powers in respect of the land charged as are given by the *Real Property Act 1886* to a mortgagee under a mortgage in respect of which default has been made in the payment of money secured by the mortgage.

(4) The board must, if the amount to which the charge relates is paid or otherwise ceases to be payable, by notice to the Registrar-General in a form determined by the Registrar-General, apply for the discharge of the charge.

(5) The Registrar-General must then cancel the relevant entry.

(6) Unless the board otherwise determines, any fee or duty payable by the board in connection with a charge under this section—

(a) will be recoverable by the board from the person whose land is subject to the charge; and

(b) will be added to the amount to which the charge relates.

(7) This section and section 41 apply notwithstanding the provisions of the *Real Property Act 1886*.

(8) In this section—

"Registrar-General" includes the Registrar-General of Deeds.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor